

**APPLICATION FOR BEER PERMIT**  
**STATE OF TENNESSEE**  
**CITY OF ALCOA**

Application for: (check one)

<input type="checkbox"/> On Premises	
	Name of Business
<input type="checkbox"/> Off Premises	
<input type="checkbox"/> Both On and Off Premises	
	Business Address (Location)
<input type="checkbox"/> Manufacturer or Distributor	

I hereby make application for a Permit to sell, store, manufacture, or distribute beer or other beverages authorized to be sold, stored, manufactured or distributed under the provision of Tennessee Code Annotated 57-5-101 et seq. and base my application upon answers to the following questions:

1. Full name of applicant (owner): \_\_\_\_\_  
Person \_\_\_ Firm \_\_\_ Corp \_\_\_ Joint-Stock Co. \_\_\_ Syndicate \_\_\_ Assoc. \_\_\_ Other \_\_\_
2. List all persons, firms, corporations, joint-stock companies, syndicates, or associations having at least 5% ownership interest in the business (attach additional sheet, if needed):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Applicant's present home address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. List addresses of places of residence for the last ten years:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Give name, date of birth, and address of any manager other than applicant:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Has any person having at least a 5% ownership interest, any of the managers, or any other employee of the business, been convicted of any violation of the beer or alcoholic beverage laws or any crime within the last ten (10) years: \_\_\_ Yes \_\_\_ No. If yes, give particulars of each charge, court, and date convicted.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Has this owner or the owner's organization had a beer permit revoked, suspended, or denied in the State of Tennessee? \_\_\_\_ Yes \_\_\_\_ No. If yes, specify where, when, and why.
- \_\_\_\_\_
8. Name and address of person to receive notices or other communications from the City of Alcoa.
- \_\_\_\_\_
9. Name and address of property owner, if other than business owner:
- \_\_\_\_\_
10. Applicant's Social Security Number: \_\_\_\_\_
11. Applicant's Drivers License Number: \_\_\_\_\_
12. Applicant's Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_
- \_\_\_\_\_
13. Home telephone: \_\_\_\_\_ Business telephone: \_\_\_\_\_
14. Tennessee Sales Tax Number: \_\_\_\_\_
15. No brewer or distiller of beer or any other beverage of like alcoholic content has any interest, financially or otherwise, in the premises upon or in which the business to be licensed is to be carried on or in the business which is to be licensed.
16. The applicant has at the time of making this application no indebtedness or other financial obligation to any brewer or distiller of beer or other beverages of like alcoholic content.
17. The applicant has not had a license for the sale of alcoholic beverages in the State of Tennessee revoked or suspended within ten years from the date of this application.
18. The applicant hereby agrees, if granted the permit and license herein requested, that he will faithfully and honestly abide by the following regulations:
- (a). To comply with all laws of the United States, State of Tennessee, and all ordinances of the City of Alcoa regulating the handling of legalized beverages. The applicant swears or affirms that he has read the City of Alcoa ordinance(s) pertaining thereto. (To be furnished with blank application).
  - (b). Will not knowingly sell or allow to be sold on the said premises beer, or other beverages of like alcoholic content on Sunday between the hours of 3 o'clock a.m. and 10 o'clock a.m., and between the hours of 3 o'clock a.m. and 6 o'clock a.m. on weekdays, or to minors at any time, or allow a minor to drink beer or other beverages of like alcoholic content in said house or on said premises; will not keep or permit to be kept a bawdy house in the said house or on the said premises, or the gathering together or the visitation to said house or premises of women for lewd or immoral purposes.
  - (c). Will not convey or grant to any brewer or distiller of beer, or any other beverage of like alcoholic content, any interest in either the said business or in any other property at which said business may hereafter be carried on, and will not during the period the license shall be in force, contract any financial obligation to any brewer or distiller of beer, or other beverage of like alcoholic content, other than the purchase of said beverage.

- (d). Will not sell beer, or other beverages of like alcoholic content, at his place of business, nor will allow the same to be done by his agents, servants and employees between the hours of 3 o'clock a.m. and 6 o'clock a.m. on weekdays, or between the hours of 3 o'clock a.m. and 10 o'clock a.m. on Sunday.
  - (e). Will not use minors as clerks, servants, employees or waiters in the conducting of his business where alcoholic beverages are sold for consumption on the premises.
  - (f). Will not sell beer or other beverage of like alcoholic content, nor will he allow the same to be done at his place of business, to persons in a drunken condition.
  - (g). That if this application is for license to serve beer on the premises, it is agreed that such beverages will be served in the place of business only where meals or lunches are regularly served to customers seated at tables or bars, and that the business is regularly licensed for the sale of such meals or lunches as required by law, said license to run concurrently with permit for the full year.
  - (h). The applicant understands that this permit terminates annually on December 31 and must reapply for an annual permit within the month of January for the subsequent twelve month period beginning January 1 by filing the application provided for in Section 2-203(7) and payment of fee provided in Section 2-210.
  - (i). The applicant agrees that if he has made a false statement in this application, or that if he should violate any of the provisions of Ordinance No. 584 of the City of Alcoa, that the Board may revoke the permit and license which may be issued hereunder.
  - (j). The applicant deposits with the applications the sum of Two Hundred Fifty Dollars (\$250.00) and understands that whether or not the permit is granted, that no party of said sum will be returned to applicant.
19. No brewer or wholesaler of any such beverage or their agent or agents shall be permitted to make any loan or furnish any fixtures of any kind or have any interest direct or indirect, in the business of any retailer of such beverage or in the premises occupied by such retailer.

I am knowledgeable of the laws prohibiting the sale of beer to minors. I hereby certify that no person having at least a 5% ownership interest, nor any person to be employed in the distribution or sale of beer in my establishment has been convicted of any violation of the beer or alcoholic beverage laws or any crime involving moral turpitude within the past ten (10) years. I am also aware that I shall not be issued a permit or my permit shall be revoked if my business location causes traffic congestion or interferes with schools, churches, or other places of public gathering, or otherwise interferes with public health, safety and morals.

\_\_\_\_\_  
Applicant

STATE OF TENNESSEE  
BLOUNT COUNTY

Personally appeared before me, the undersigned authority, \_\_\_\_\_  
\_\_\_\_\_, who made oath in due form of law that he is \_\_\_\_\_  
\_\_\_\_\_ of the business for which a permit is requested in the above application. Affiant further states that all of the statements made in the foregoing petition are true and correct, and that he personally knows that all said facts are true and correct.

\_\_\_\_\_  
Applicant

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

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Received and filed: \_\_\_\_\_

## PERSONAL REFERENCES

List four persons (at least three local) who have known you for two (2) years or more. Do not include relatives or business associates. You must give complete addresses including zip code.

NAME	ADDRESS	OCCUPATION
1. _____		
Home Phone: _____	Street: _____	_____
Work Phone: _____	City: _____	
	State/Zip: _____	
2. _____		
Home Phone: _____	Street: _____	_____
Work Phone: _____	City: _____	
	State/Zip: _____	
3. _____		
Home Phone: _____	Street: _____	_____
Work Phone: _____	City: _____	
	State/Zip: _____	
4. _____		
Home Phone: _____	Street: _____	_____
Work Phone: _____	City: _____	
	State/Zip: _____	

Upon filing of the foregoing application, the Board created by Section 2-302 of Ordinance No. 584, after due consideration of the facts therein stated and after due investigation of said matters, act upon said application as follows:

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This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Chairman

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1. Application fee of \$250.00 paid \_\_\_\_Yes \_\_\_\_No
2. Does place of business have ground floor entrance \_\_\_\_Yes \_\_\_\_No
3. Distance to closest school or church \_\_\_\_\_ (must exceed 500 ft.)
4. Area properly zoned \_\_\_\_Yes \_\_\_\_No
5. Business License applied for \_\_\_\_Yes \_\_\_\_No
6. Letters received back from references \_\_\_\_Yes \_\_\_\_No
7. Response received from City of Alcoa Police Department \_\_\_\_Yes \_\_\_\_No
8. When the above items are completed, the Recorder shall call a meeting of the City of Alcoa Beer Board to make disposition
9. Request for permit \_\_\_\_Affirmed \_\_\_\_Denied
10. Prior to issuance of permit, Recorder must collect a pro rata portion of the \$100.00 annual privilege tax.

## TITLE 8

### **ALCOHOLIC BEVERAGES**<sup>1</sup>

#### CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

#### CHAPTER 1

### **INTOXICATING LIQUORS**

#### SECTION

- 8-101. Intoxicating liquors defined.
- 8-102. Selling.
- 8-103. Consumption of alcoholic beverages on premises.
- 8-104. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
- 8-105. Annual privilege tax to be paid to the city recorder.
- 8-106. Exceptions.
- 8-107. Deleted.

**8-101. Intoxicating liquors defined.** “Intoxicating liquors” or “intoxicating beverages,” as used in this chapter, mean and include alcohol, spirits, liquors, wines and every liquid or solid, patented or not, containing alcohol, spirits, liquor or wine, and capable of being consumed by human beings; but nothing in this chapter shall be construed or defined as including or relating to the manufacture of any beverage with alcohol content of five percent (5%) or less. (1971 Code, § 2-101, as replaced by Ord. #05-048, Jan. 2005)

**8-102. Selling.** It shall be unlawful for any person, firm, or corporation to buy or sell any intoxicating liquors or beverages within the municipality except as authorized pursuant to the provisions of Tennessee Code Annotated, §§ 57-3-101 et seq. and 57-4-101 et seq. (1971 Code, § 2-102, as replaced by Ord. #05-048, Jan. 2005)

**8-103. Consumption of alcoholic beverages on premises.** Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on-premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of Alcoa, Tennessee. It is the intent of the board of commissioners that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Alcoa, Tennessee, the same as if said code

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<sup>1</sup> State law reference  
Tennessee Code Annotated, title 57.

sections were copied herein verbatim. (1971 Code, § 2-103, as replaced by Ord. #05-048, Jan. 2005)

**8-104. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.** Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, § 301, for the City of Alcoa General Fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate or association engaging in the business of selling at retail in the City of Alcoa alcoholic beverages for consumption on the premises where sold. In the event, however, that pursuant to state law it is not permissible at the time of enactment of this chapter to levy and collect the privilege tax because the country has already levied such a tax, then and in such event the authority is granted for the city to levy and collect such a privilege tax when it becomes legally permissible for the City of Alcoa to do so, with collection of that tax to commence at the time that it becomes legally permissible for the City of Alcoa to collect said tax. (1971 Code, § 2-104, as replaced by Ord. #05-048, Jan. 2005)

**8-105. Annual privilege tax to be paid to the city recorder.** Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Alcoa shall remit annually to the city recorder the appropriate tax described in § 8-104 herein. Such payments shall be remitted on January 1 of each year to the City of Alcoa. Any person, firm, corporation, joint stock company, syndicate or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (1971 Code, § 2-105, as replaced by Ord. #05-048, Jan. 2005)

**8-106. Exceptions.** To the extent that buying or selling of intoxicating liquors or beverages is prohibited except as authorized pursuant to Tennessee Code Annotated as set forth in § 8-102 herein, said prohibitions shall not make it unlawful:

1. To buy, sell, possess, transport or manufacture any intoxicating beverages specifically permitted in Tennessee Code Annotated, §§ 57-5-101 et seq. or any other provisions of the state law, provided all provisions and conditions of said sections or provisions and this chapter relating to such beverages are fully and strictly complied with.
2. For any priest or minister of any religious denomination or sect to receive and possess wines for sacramental purposes, or for any common, or other, carrier to ship or transport wine for said purposes to any priest or minister of any religious denomination or sect.
3. For druggists to receive and possess alcohol and other intoxicating liquors and such preparation as may be sold by druggists of the special purposes and in the manner as now or hereafter provided by law, for manufacturers of medicines,



that conform to the provisions of the pure food and drugs act of the State of Tennessee, or for bona fide hospitals, or for manufacturers of flavoring extracts, or for manufacturers of perfumery and toilet articles to receive and possess alcohol, use of bona fide patients of such hospitals, or in the manufacturing of such medicines, or flavoring extracts, or perfumery and toilet articles, or for any common or other carrier to ship or transport such liquor or alcohol for said purposes to such druggists or hospitals, or manufacturers of medicines, or of flavoring extracts, or of perfumery or of toilet articles in the municipality.

4. For any person, firm or corporation engaged in the manufacture of thermostatic devices or temperature regulators to import alcohol in to the municipality for use in the manufacture and charging of said devices and regulators.
5. For bona fide educational institutions to receive and possess alcohol for scientific and therapeutical purposes, or for any common, or other carrier, to ship or transport such alcohol for said purposes to such bona fide educational institutions. (1971 Code, § 2-106, as replaced by Ord. #05-048, Jan. 2005)

**8-107. Deleted.** (1971 Code, § 2-107, as deleted by Ord. #05-048, Jan. 2005)

## CHAPTER 2

### **BEER<sup>2</sup>**

#### **SECTION**

- 8-201. Beer and light alcoholic beverages lawful.
- 8-202. Beer board.
- 8-203. Beer permits.
- 8-204. Sale to minors prohibited.
- 8-205. Hours of sale regulated.
- 8-206. Employment of minors prohibited.
- 8-207. Sale to intoxicated persons prohibited.
- 8-208. Permit fees and privilege tax.
- 8-209. Permits and licenses must be displayed and are not transferable.
- 8-210. Permits shall be restrictive.
- 8-211. Minor defined.
- 8-212. Loitering of minors prohibited.
- 8-213. Duties and prohibited activities of permit holders.
- 8-214. Prima facie evidence of possession for sale.
- 8-215. Revocation of permits.
- 8-216. Identification required prior to the sale of beer or alcoholic beverages.
- 8-217. Signs required.
- 8-218. Taverns.
- 8-219. Inspection of beer businesses.
- 8-220. Deleted.

**8-201. Beer and light alcoholic beverages lawful.** (1) In conformity with Tennessee Code Annotated, § 57-5-101, et seq. it shall be lawful to transport, store, sell, distribute, possess, receive and/or manufacture beer of alcoholic content of not more than five percent (5%) by weight or any other beverage of light alcoholic content, except wine as defined in Tennessee Code Annotated, § 57-3-101, wine being governed by the provisions of §§ 8-101 et seq. herein, subject to the privilege taxes and regulations hereinafter set out, and provided, that no brewer or wholesaler of any such beverage or their agent or agents shall be permitted to make any loan or furnish any fixtures of any kind or have any interest, direct or indirect, in the business of any retailer of such beverage, or in the premises occupied by such retailer; further provided, however, that notwithstanding said prohibition pertaining to a brewer or wholesaler, a manufacturer may operate as a retailer at the manufacturer's location or a site contiguous thereto for sales of not more than five thousand (5,000) barrels of beer annually for consumption on

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<sup>1</sup> State law reference

For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in Watkins v. Naifeh, 635 S.W.2d 104 (1982).

or off the premises under the provisions of this chapter as long as the requirements of this chapter concerning the licensing of such retail establishments are met; or a manufacturer may qualify for and hold a license under the provisions of this chapter as a "restaurant." Such a manufacturer, however, operating as a retailer pursuant to this chapter, may not sell its beer directly to retailers that are located in a county other than the county in which the manufacturer is located.

- (2) None of the references in this section to alcoholic beverages with an alcoholic content of not more than five percent (5%) by weight shall apply to wine as defined in Tennessee Code Annotated, § 57-3-101, wine being governed by the provisions of §§ 8-101 et seq. herein. (1971 Code, § 2-201, as replaced by Ord. #05-048, Jan. 2005)

**8-202. Beer board.** There is hereby created a beer board which shall be composed of the city manager, city recorder and one member appointed by the mayor who shall serve for a three (3)-year term, whose duty it shall be to regulate and supervise the issuance of permits to manufacture, distribute and/or sell beer and other beverages of an alcoholic content except wine as defined in Tennessee Code Annotated, § 57-3-101, of not in excess of five percent (5%) by weight, to the persons and in the manner hereinafter provided. The board shall provide such other duties and have such other powers and authority as herein provided in this chapter. (1971 Code, § 2-202, as replaced by Ord. #05-048, Jan. 2005)

**8-203. Beer permits.** Before any person, firm, corporation, joint stock company, syndicate or association shall be authorized to sell, distribute, and/or manufacture beverages, of said legalized alcoholic content, he or it shall make application to the beer board upon a form prescribed by it for a permit and shall pay to the municipality such fees for licenses as are provided in § 8-208. No permit shall be approved by the board and no license shall be issued by the recorder, except upon the following terms and conditions, and only to such as possess the qualifications hereinafter provided:

- (1) No beer shall be sold except at places where such sale will not cause congestion of traffic or interference with schools, churches or other places of public gathering, or otherwise interfere with public health, safety and morals.
- (2) No sale shall be made to minors.
- (3) No person, firm, corporation, joint stock company, syndicate or association having at least a five percent (5%) ownership interest in the applicant has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years.
- (4) No person employed by the applicant in such distribution or sale has been convicted of any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years.

- (5) No sale shall be made for on-premises consumption unless the application so states.
- (6) No permit shall be issued unless the application shall contain the following information and agreements, to-wit:
  - (a) Name of the applicant.
  - (b) Name of applicant's business.
  - (c) Location of business by street address or other geographical description to permit an accurate determination of conformity with the requirements of this section.
  - (d) If beer will be sold at two (2) or more restaurants or other businesses pursuant to the same permit as provided by Tennessee Code Annotated § 57-5-103 (a)(4), a description of all such businesses.
  - (e) Persons, firms, corporations, joint-stock companies, syndicates or associations having at least five percent (5%) ownership interest in the applicant.
  - (f) Identity and address of a representative to receive annual tax notices and any other communication from the municipality.
  - (g) That no person, firm, joint-stock company, syndicate or association having at least a five percent (5%) ownership interest in the applicant or any person to be employed in the distribution or sale of beer has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years.
  - (h) Whether or not the applicant is seeking a permit which would allow the sale of beer either for on-premises consumption or for off-premises consumption, or both of the foregoing. If a holder of a beer permit for either off-premises consumption or on-premises consumption desires to change the permit holder's method of sale, the permit holder shall apply to the municipality for a new permit.
  - (i) A statement that if any false statement is made in any part of said application, the permit and/or license granted or issued to the applicant may be revoked by the board.
  - (j) Said application may contain any other information required and deemed by the beer board to be pertinent to the issuance of a permit and the enforcement of this chapter.
- (7) All persons, firms or corporations must comply with the fee provisions provided in § 8-208. (1971 Code, § 2-203, as amended by Ord. #935, Dec. 1993, and Ord. #99-029, Sept. 1999, and replaced by Ord. #05-048, Jan. 2005)

**8-204. Sale to minors prohibited.** It shall be unlawful for any person, firm or corporation to knowingly sell or allow to be sold any alcoholic beverages regulated by this chapter to minors at any time or to allow a minor to drink such beverages in the building or on the

premises where such beverages are being sold. (1971 Code, § 2-204, as replaced by Ord. #99-029, Sept. 1999, and Ord. #05-048, Jan. 2005)

**8-205. Hours of sale regulated.** It shall be unlawful for any person, firm or corporation to sell the alcoholic beverages regulated by this chapter, nor shall he or it allow the same to be sold by agents, servants or employees, between the hours of 3 o'clock A.M. and 6 o'clock A.M. on weekdays, or between the hours of 3 o'clock A.M. and 10 o'clock A.M. on Sunday. (1971 Code, § 2-205, as replaced by Ord. #07-115, Feb. 2007)

**8-206. Employment of minors prohibited.** It shall be unlawful for the operator to use minors in the sale, transport, possession or dispensing of alcoholic beverages, wine or beer, except as provided in § 8-211 herein. (1971 Code, § 2-206, as replaced by Ord. #05-048, Jan. 2005)

**8-207. Sale to intoxicated persons prohibited.** It shall be unlawful to sell beer or other alcoholic beverages or permit the same to be sold to any person in an intoxicated condition. (1971 Code, § 2-207, as amended by Ord. #99-029, Sept. 1999, and replaced by Ord. #05-048, Jan. 2005)

**8-208. Permit fees and privilege tax.** (1) It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), and shall be accompanied by a non-refundable application fee of two hundred fifty and no/100ths dollars (\$250.00). Said fee shall be payable to the City of Alcoa. Each applicant must be a person of good moral character and certify that he has read and is familiar with the applications of this chapter.

(2) There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred and no/100ths dollars (\$100.00). Any person, firm, corporation, joint-stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1 of each year to the City of Alcoa. If the permit holder does not pay the tax by January 31, then the city shall send notice of the delinquency by certified mail. Once the notice is received, the permit automatically becomes void. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (1971 Code, § 2-208, as replaced by Ord. #05-048, Jan. 2005)

**8-209. Permits and licenses must be displayed and are not transferable.** Each permittee or licensee shall display and keep displayed such permit and license in conspicuous places on the premises where his is licensed to conduct such business. Permits and

licenses shall not be transferable. A separate permit and license shall be obtained for each location where any applicant is to manufacture, distribute or sell said legalized beverages. When a permittee shall discontinue business or ceases to be associated on a day-to-day basis with the business, then the permit terminates, and no refund of any licenses or fees of any nature will be made. Sales of alcoholic beverages shall immediately cease unless or until someone else is issued a permit. (1971 Code, § 2-209, as replaced by Ord. #05-048, Jan. 2005)

**8-210. Permits shall be restrictive.** (1) It shall be unlawful for any person, firm or corporation, and no permit shall be issued, to sell beer or any other beverage of light alcoholic content except in premises which are located within areas in which commercial activity is permitted.

(2) It shall be unlawful for any person, firm or corporation, and no permit shall be issued, to sell beer or other beverages of light alcoholic content for consumption upon the premises at the following places or on the following conditions; provided, however, that the following prohibitions shall not apply to any person, firm or corporation who has obtained a license for sell of alcoholic beverages for consumption on the premises pursuant to Tennessee Code Annotated, §§ 57-4-101 et seq.:

- (a) At any place within five hundred feet of any public or private school grounds or church grounds.
- (b) To any person while operating or riding in any automobile or truck or persons in parked automobiles or trucks, except, however, when sold in package form for consumption off premises and such beverages shall not be consumed on the premises where sold.
- (c) At any place except the places where meals or lunches are regularly served and regularly licensed therefore and then only to persons seated at tables or bars, except for taverns which are governed by § 8-218 herein.
- (d) Except in premises which are located within areas in which commercial activity is permitted, and no permit will be issued therefore except for premises located therein. (Ord. #935, Dec. 1993, as replaced by Ord. #05-048, Jan. 2005)

**8-211. Minor defined.** For the purposes of title 8 of the municipal code of the City of Alcoa, the word "minor" shall be defined as anyone under the age of twenty-one (21) years; provided, however, this provision shall not be construed as prohibiting any person eighteen (18) years of age or older from selling, transporting, possessing or dispensing alcoholic beverages, wine or beer, in the course of his employment, and as authorized by Tennessee Code Annotated. (1971 Code, § 2-211, as replaced by Ord. #05-048, Jan. 2005)

- 8-212. Loitering of minors prohibited.** It shall be unlawful for any operator to allow or permit any minor to loaf or loiter in any place where beverages regulated by this chapter are sold or offered for sale for consumption on the premises. (1971 Code, § 2-212, as amended by Ord. #1043, Dec. 1996, and replaced by Ord. #05-048, Jan. 2005)
- 8-213. Duties and prohibited activities of permit holders.** It shall be unlawful for any person operating a place of business regulated by this chapter to allow any persons under the influence of intoxicants, whether beer or liquor, or other intoxicating beverages, upon the premises, and it shall be the affirmative duty of any such operator to notify the police department of any person upon the premises in an intoxicated condition. (Ord. #932, July 1993, as replaced by Ord. #05-048, Jan. 2005)
- 8-214. Prima facie evidence of possession for sale.** It shall be unlawful for any person, firm, corporation, joint stock company, syndicate or association to sell or offer to sell any beverages regulated by this chapter without having obtained the permit and license provided for by this chapter, and the possession by him or it of more than one case of such beverages shall be prima facie evidence that such beverage was being stored or possessed for sale. (1971 Code, § 2-214, as replaced by Ord. #05-048, Jan. 2005)
- 8-215. Revocation of permits.** In the event of the failure or refusal of any person holding a permit issued hereunder to comply with all the requirements of this chapter, or in the event of his violation of any of the provisions of this chapter, it shall be the duty of the beer board to give said permittee twenty-four (24) hours' notice of a hearing before the board. The beer board may, at the time it imposes a revocation of suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500.00 for each offence of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000.00 for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. (1971 Code, § 2-215, as replaced by Ord. #05-048, Jan. 2005)
- 8-216. Identification required prior to the sale of beer or alcoholic beverages.** Any person selling beer or alcoholic beverages within the corporate limits of the City of Alcoa shall be required to have produced to him or her a facially valid government issued identification showing that the age of the prospective purchaser of the beer or alcoholic beverages is twenty-one (21) years of age or older. If such identification is not produced by the prospective purchaser, the beer or alcoholic beverages shall not be sold. Such identification shall be required prior to the sale of beer or alcoholic beverages regardless of the apparent age of the prospective purchaser. The identification provided shall be a document issued by a state governmental agency.

Any person showing state issued identification proving that said person's age is sixty (60) years of age or greater shall not be required to show a photo identification but instead shall be allowed to purchase alcoholic beverages based on the state issued identification which does not include a photograph. (1971 Code, § 2-216, as replaced by Ord. #05-048, Jan. 2005)

**8-217. Signs required.** Any establishment within the corporate limits of the City of Alcoa which sells beer or alcoholic beverages shall prominently display on the premises a sign not less than six (6) inches high and ten (10) inches wide reading:

“A minor attempting to purchase alcoholic beverages will be prosecuted to the fullest extent of the law.”

Such establishment shall further prominently display a sign not less than six (6) inches high and ten (10) inches wide reading:

“Alcoa Municipal Code § 8-216 requires the production of a valid governmental issued photo ID prior to the purchase of alcoholic beverages.”

Signs required under this part shall be the responsibility of each license holder of any beer, liquor or alcoholic beverages sales license in the City of Alcoa. Signs must be posted within ninety (90) days of the final passage of this section. It will be a violation of this section to fail to post such signs.

Any holder of a permit allowing on premises consumption of beer or alcoholic beverages in the city limits shall be permitted to serve beer or alcoholic beverages to a person without seeing the identification provided in § 8-216 if in the discretion of a manager on the premises a person wishing to purchase such beverages beyond a reasonable doubt is twenty-one (21) years of age or older. (1971 Code, § 2-217, as replaced by Ord. #05-048, Jan. 2005)

**8-218. Taverns.** It shall be lawful for beer to be sold on-premises for consumption at a tavern where meals or lunches are not regularly served. “Tavern” shall mean a business establishment whose primary business is or is to be the sale of beer to be consumed on the premises. There shall be one permit issued to taverns for every one thousand (1,000) population or fraction thereof, according to the latest official census of the City of Alcoa. (Ord. #935, Dec. 1993, as replaced by Ord. #05-048, Jan. 2005)

**8-219. Inspection of beer business.** The police officers of the City of Alcoa shall have the right to inspect at any and all times the entire premises and property where or upon or in which the beverages regulated by this chapter are sold, stored, transported or otherwise dispensed or distributed or handled, whether at retail or wholesale, in the City of Alcoa for any law violations. (as added by Ord. #02-029, Dec. 2002, and replaced by Ord. #05-048, Jan. 2005)

**8-220. [Deleted].** (as added by Ord. #02-029, Dec. 2002, and deleted by Ord. #05-048, Jan. 2005)